

Kelly Lockhart, GIS Manager – Coles County Regional Planning & Development Commission made a presentation on LUCA (Local Update of Census Addresses) and Pictometry GIS in the City Hall Council Chambers at 6:15 p.m. followed by a Council Caucus Session for discussion on pending agenda items.

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on August 7, 2007 after the 6:30 p.m. caucus session.

Mayor White presiding.

Mayor White led the Pledge of Allegiance.

The following members of the Council answered roll call in person: YEA Commissioner David Cline, YEA Commissioner Randy Ervin, YEA Commissioner Joseph McKenzie, Absent Commissioner David Schilling, YEA Mayor Charles E. White.

Also in attendance in person were City personnel: City Administrator Alan Gilmore, City Attorney/Treasurer J. Preston Owen, Public Works Director David Wortman, Fire Chief Mike Chism, Assistant Chief Andy Adair, Community Development Coordinator Kyle Gill, Police Chief Larry Metzelaars, Deputy Chief David Griffith, and City Clerk Susan J. O’Brien.

City Council of City of Mattoon, Illinois held a public hearing in the Council Chambers on August 7, 2007 in order to receive public comments on the proposed vacation of an alley in Urban Heights Subdivision, specifically Lots One (1), Two (2), Three (3), Four (4), Seven (7), Eight (8), and Nine (9) of Block Three (3). Mayor White opened the public hearing at 7:02 p.m. with City Attorney & Treasurer J. Preston Owen conducting the hearing. Attorney/Treasurer Owen described the state requirements, the non-improved alleyway, location of alley, Dave and Dawn Paulson’s interest and desire to purchase 100% of the alley, and the scope of the vacation. Mr. Paulson explained the desire to expand Wave Graphics and use for water retention, in addition to speaking with the owner of Lot 4, who was in agreement with the proposal. Attorney/Treasurer Owen opened the floor for public or Council questions or comments. Mr. Herb Meeker of the Mattoon Journal Gazette inquired about completion date. Mr. Paulson responded completion was in the process. Mr. Chris Rankin of The Leader inquired as to any utility easements. Attorney/Treasurer Owen believed there were no easements. With no further questions or comments Attorney/Treasurer Owen closed the hearing at 7:04 p.m.

CONSENT AGENDA

Items listed on the Consent Agenda are considered to be routine in nature and will be enacted by one motion. Prior to asking for a motion to approve the Consent Agenda, the mayor will ask if anyone desires to remove an item from the Consent Agenda for public discussion. No separate discussion of these items will occur unless a Council Member requests the item to be removed from the Consent Agenda. If an item is removed from the Consent Agenda, it will be considered elsewhere on the agenda for this meeting.

Mayor White seconded by Commissioner Ervin moved to approve the consent agenda consisting of: minutes of the regular meeting July 17, 2007; Fire department report for the month of July; Police Department Report for the month of June, 2007; and payroll and bills for the last half of July, 2007.

Bills & Payroll for the last half of July, 2007

General Fund

Payroll	\$	266,545.24
Bills	\$	<u>131,485.37</u>
Total	\$	398,030.61

Hotel Tax Fund

Payroll	\$	3,234.95
Bills	\$	<u>373.09</u>
Total	\$	3,608.04

Festival Management

Bills		\$ 46,779.10
	Total	\$ 46,779.10

Insurance & Tort Judgment

Bills		\$ 17.65
	Total	\$ 17.65

Midtown TIF Fund

Bills		\$ 375.80
	Total	\$ 375.80

Water Fund

Payroll		\$ 28,547.06
Bills		\$ 78,827.81
	Total	\$ 107,374.87

Sewer Fund

Payroll		\$ 27,223.80
Bills		\$ 219,336.85
	Total	\$ 246,560.65

Cemetery Fund

Payroll		\$ 5,269.32
Bills		\$ 330.59
	Total	\$ 5,599.91

Health Insurance

Bills		\$ 95,404.37
	Total	\$ 95,404.37

Motor Fuel Tax Fund

Bills		\$ 8,263.65
	Total	\$ 8,263.65

Revolving Loan Fund

Bills		\$ 38.80
	Total	\$ 38.80

Mayor White declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor White.

PUBLIC PRESENTATIONS, PETITIONS AND COMMUNICATIONS

This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meeting Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments.

Mr. Jerry Groniger requested the postponement of Council Decision Request 2007-779 until next meeting and until a review committee could meet. Commissioner Ervin responded a review committee, composed of City staff, Shirley Sherwood, and Dr. Burton of SBLHC, had met; reiterated no intent to put Mitchell Jerdan Ambulance Service out of business; and had addressed the concerns of private business through a fee schedule, policy and ordinances. Commissioner Ervin restated the City's ambulances were to provide "gap services". Mr. Art Willaredt questioned the study of occurrences. Fire Chief Mike Chism stated 59 calls to Mattoon in seven months, which did not include RIT team calls.

Mr. Willaredt, Mr. Scott Pitts, Mr. Don Davis, Mrs. Nancy Long, Mr. Meeker, Mr. Bart Owen, and Mr. Rankin expressed their concerns, inquiries, and comments as to the boiler slag street problems. Director Wortman, Commissioner Ervin, Administrator Gilmore, and Commissioner McKenzie addressed the public questions and comments also referring to the enabling CDR to correct Mid-town streets commencing within two days and funding through placing some budgeted projects on hold this year.

NEW BUSINESS

Mayor White seconded by Commissioner McKenzie moved to adopt Special Ordinance 2007-1236, approving the variance for zero-lot lines and setbacks for The Meadows Subdivision Phase IV. Reggie Phillips – Petitioner.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2007-1236

AN ORDINANCE GRANTING A VARIANCE IN MINIMUM LOT SIZE REQUIREMENT AND A VARIANCE FOR A ZERO SIDE YARD SETBACK, ON ONE SIDE, FOR CONSTRUCTION OF ZERO LOT LINE HOUSING IN PHASE IV OF THE MEADOWS SUBDIVISION

WHEREAS there has been filed a written Petition by Reginald Phillips for a variance in the minimum lot size and to the side-yard setback, respecting the property legally described as:

“EXHIBIT A”

Also known as: The Meadows Subdivision Phase IV, Mattoon, Illinois

WHEREAS, said petition requests that variances be granted pursuant to applicable ordinances of the municipality to allow construction of zero lot line housing; and

WHEREAS the City of Mattoon Zoning Ordinance requires a 5-foot side yard setback, of the primary structure; and

WHEREAS the Zoning Board of Appeals held a properly noticed public hearing on July 3, 2007 regarding petitioner’s request for said variances; and

WHEREAS both the Planning Commission for the City of Mattoon, Coles County, Illinois, and the Zoning Board of Appeals for the City of Mattoon, Coles County, Illinois, have recommended that the requested variances be granted; and

WHEREAS the City Council for the City of Mattoon, Coles County, Illinois, deems that the recommended variances are in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be and the same is granted a variance in the minimum lost size requirement and a variance for a zero side yard setback, on one side, for the construction of zero lot line housing in Phase IV of the Meadows Subdivision

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Section 4. The City Clerk shall make and file a duly certified copy of this ordinance with the Clerk and Recorder’s Office of Coles County, Illinois.

Upon motion by Mayor White, seconded by Commissioner McKenzie, adopted this 7th day of August, 2007, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Cline, Commissioner Ervin,</u> <u>Commissioner McKenzie, Mayor White</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>Commissioner Schilling</u>

Approved this 7th day of August, 2007.

/s/ Charles E. White

Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien

Susan J. O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on August 8, 2007.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to adopt Special Ordinance 2007-1237, approving the final plat of The Meadows Subdivision, Phase III, City of Mattoon, Coles County, Illinois. Reggie Phillips – Petitioner.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2007-1237

AN ORDINANCE APPROVING THE SUBDIVISION PLAT OF THE MEADOWS, PHASE III

WHEREAS, Reginald and Martha Phillips as owners of the following described property:

A tract of land being part of the Southeast Quarter of the Northwest Quarter of Section 23, Township 12 North, Range 7 East, of the Third Principal Meridian, Coles County, Illinois, the boundary of which is described as follows, with bearing on local datum:

Beginning at the Northwest corner of The Meadows Phase II as recorded in Book 5 at Page 182 as Document No. 636144 at the Coles County Recorder's Office, point also being the Northwest corner of Lot 17 of said subdivision; thence South 00° 25' 29" East, 584.24 feet along the West line of said The Meadows Phase II boundary to the Southwest corner of Lot 95 of said The Meadows Phase II; thence South 88° 54' 01" West, 132.08 feet along the Westerly extension of the South line of said The Meadows Phase II; thence 21.79 feet along a curve to the right, concave to the Northwest, having a radius of 430.00 feet and a chord bearing of South 17° 13' 39" West; thence 8.89 feet along a curve to the left, concave to the Southeast, having a radius of 1,140.00 feet and a chord bearing of South 18° 27' 22" West; thence North 71° 46' 02" West, 60.00 feet; thence North 81° 57' 31" West, 121.42 feet; thence South 00° 24' 22" East, 94.85 feet; thence South 28° 13' 37" East, 29.26 feet; thence South 73° 25' 38" East, 75.00 feet; thence 60.11 feet along a curve to the left, concave to the Southeast, having a radius of 1,200.00 feet and a chord bearing of South 10° 36' 36" West; thence North 75° 58' 35" West, 115.00 feet; thence South 11° 58' 56" West, 116.58 feet; thence North 89° 47' 08" West, 8.89 feet to the West line of the Southeast Quarter of the Northwest Quarter of Section 23, Township 12 North, Range 7 East of the Third Principal Meridian; thence North 00° 11' 37" East, 860.18 feet along said West line to the Northwest corner of said Southeast Quarter of the Northwest Quarter of Section 23; thence North 88° 54' 02" East, 380.70 feet along the North line of said Southeast Quarter of the Northwest Quarter of Section 23 to the Point of Beginning, encompassing 5.612 acres, more or less.

has caused said premises to be surveyed and subdivided into lots and streets as shown on the plat submitted to the City Council for approval in accordance with the Statute of the State of Illinois in such made and provided; and

WHEREAS, said plat of the subdivision to be known as The Meadows, Phase III, City of Mattoon, Coles County , Illinois has been submitted to the City Council of the City of Mattoon for approval in the manner as by law required, which plat is attached hereto as Exhibit "A" and made a part hereof by reference thereto; and

WHEREAS, it appears from an examination of said plat that the same is in due form as required by law and complies with all rules, regulations, and requirements relative to subdivisions in the City of Mattoon, Illinois, and that by said plat should be approved; and

WHEREAS, the Planning Commission of the City of Mattoon, Coles County, Illinois, has recommended that said plat be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Pursuant to enabling authority, that the plat, of **The Meadows, Phase III**, to the City of Mattoon, Coles County, Illinois, be hereby approved and that a certificate of such approval be endorsed upon said plat signed by the Mayor and the City Clerk in the manner as provided by law.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Section 4. The City Clerk shall make and file a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by Mayor White, seconded by Commissioner Ervin, adopted this 7th day of August, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
 Commissioner McKenzie, Mayor White

NAYS (Names): None

ABSENT (Names): Commissioner Schilling

Approved this 7th day of August, 2007.

/s/ Charles E. White

Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on August 8, 2007.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Cline moved to adopt Special Ordinance 2007-1238, approving the final plat of The Meadows Subdivision, Phase IV, City of Mattoon, Coles County, Illinois. Reggie Phillips – Petitioner.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2007-1238

AN ORDINANCE APPROVING THE SUBDIVISION PLAT OF THE MEADOWS, PHASE IV

WHEREAS, Reginald and Martha Phillips as owners of the following described property:

A tract of land being part of the Southeast Quarter of the Northwest Quarter of Section 23, Township 12 North, Range 7 East, of the Third Principal Meridian, Coles County, Illinois, the boundary of which is described as follows, with bearing on local datum:

Beginning at the Southwest corner of Lot 97 of The Meadows Phase I as recorded in Book 5 at Page 144 as Document No.

577812 at the Coles County Recorder's Office; thence North 88° 56' 31" East, 6.57 feet along the South line of said Lot 97 to the True Point of Beginning; thence North 88° 56' 31" East, 408.58 feet along the South line of said The Meadows Phase I and the South line of Lot 102 of Replat Elmwood Addition Lots 8, 9, 10, & 11 Phase I to the West line of 27th Street; thence North 00° 32' 37" West, 36.69 feet along said West line; thence North 88° 35' 37" East, 234.21 feet along the South line of Elmwood Addition Phase I as recorded at the Coles County Recorder's Office to the East line of the Southeast Quarter of the Northwest Quarter of said Section 23; thence South 00° 23' 29" East, 788.08 feet along said East line to the South line of the Southeast Quarter of the Northwest Quarter of said Section 23; thence South 89° 39' 37" West, 482.81 feet along the said South line; thence North 00° 13' 08" West, 159.92 feet; thence South 89° 46' 52" West, 12.00 feet; thence North 00° 13' 08" West, 185.00 feet; thence South 89° 46' 51" West, 150.00 feet; thence South 64° 03' 26" West, 83.25 feet; thence North 30° 13' 09" West, 10.00 feet; thence North 45° 21' 01" East, 49.01 feet; thence North 00° 13' 09" West, 40.69 feet; thence North 00° 43' 27" East, 75.01 feet; thence North 13° 16' 34" East, 77.13 feet; thence South 89° 46' 51" West, 125.52 feet; thence 10.52 feet along a curve to the right, concave to the Southeast, having a radius of 370.00 feet and a chord bearing of North 16° 14' 46" East; thence North 17° 03' 39" East, 30.15 feet; thence 8.86 feet along a curve to the left, concave to the Northwest, having a radius of 430.00 feet and a chord bearing of North 16° 28' 14" East; thence North 89° 46' 51" East, 123.78 feet; thence North 08° 20' 55" East, 75.85 feet; thence North 01° 01' 36" East, 76.78 feet to the True Point of Beginning, encompassing 10.374 acres, more or less.

has caused said premises to be surveyed and subdivided into lots and streets as shown on the plat submitted to the City Council for approval in accordance with the Statute of the State of Illinois in such made and provided; and

WHEREAS, said plat of the subdivision to be known as The Meadows, Phase IV, City of Mattoon, Coles County , Illinois has been submitted to the City Council of the City of Mattoon for approval in the manner as by law required, which plat is attached hereto as Exhibit "A" and made a part hereof by reference thereto; and

WHEREAS, it appears from an examination of said plat that the same is in due form as required by law and complies with all rules, regulations, and requirements relative to subdivisions in the City of Mattoon, Illinois, and that by said plat should be approved; and

WHEREAS, the Planning Commission of the City of Mattoon, Coles County, Illinois, has recommended that said plat be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Pursuant to enabling authority, that the plat, of **The Meadows, Phase IV**, to the City of Mattoon, Coles County, Illinois, be hereby approved and that a certificate of such approval be endorsed upon said plat signed by the Mayor and the City Clerk in the manner as provided by law.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Section 4. The City Clerk shall make and file a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by Mayor White, seconded by Commissioner Cline, adopted this 7th day of August, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
 Commissioner McKenzie, Mayor White

NAYS (Names): None

ABSENT (Names): Commissioner Schilling

Approved this 7th day of August, 2007.

/s/ Charles E. White

Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on August 8, 2007.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner McKenzie moved to adopt Special Ordinance 2007-1239, vacating an alley located in Block 3 of the Urban Heights Subdivision from Lots One (1), Two (2), Three (3), Four (4), Seven (7), Eight (8), and Nine (9); Applicants – David and Dawn Paulson dba Wave Graphics.

SPECIAL ORDINANCE NO. 2007-1239

AN ORDINANCE VACATING A 20' WIDE ALLEY BETWEEN LOTS ONE (1), TWO (2), THREE (3), FOUR (4) AND LOTS SEVEN (7), EIGHT (8), NINE (9) IN BLOCK THREE OF URBAN HEIGHTS SUBDIVISION IN THE CITY OF MATTOON, COLES COUNTY, ILLINOIS

WHEREAS, David and Dawn Paulson has heretofore presented a Petition to the City Clerk to vacate an alley, which Petition requests that said alley be vacated by the City of Mattoon, Coles County, Illinois, and

WHEREAS, said Petition was recommended for approval at a regular meeting of the Mattoon Planning Commission held June 11, 2007, and

WHEREAS, said Notice of Public Hearing was published in the Mattoon Journal Gazette on July 19, 2007, and

WHEREAS, the City Council of the City of Mattoon, Coles County, Illinois, has determined that the public interest will be served by vacating said alley.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, A MUNICIPAL CORPORATION, as follows:

Section 1. That the alley described as follows:

That certain 20' wide alley located between the West property line of Lots One (1), Two (2), Three (3) and Four (4) in Block Three (3) of Urban Heights Subdivision and the East property line of Lots Seven (7), Eight (8), and Nine (9) in Block Three (3) of Urban Heights Subdivision, Mattoon, Coles County, Illinois.

Be and the same is hereby vacated by the City of Mattoon, Coles County, Illinois, a Municipal Corporation.

Section 2. This Ordinance shall become effective immediately after David and Dawn Paulson have tendered to the City of Mattoon an amount equivalent to the average of two appraisals of the fair market value of the alley premises.

Section 3. Dave and Dawn Paulson having made the entire payment of the average appraised value shall be and is vested to title of the vacated alley premises as authorized by 65 ILCS 5/11-91-2.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 5. Upon becoming effective, the City Clerk shall make and file a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by Mayor White, seconded by Commissioner McKenzie, adopted this 7th day of August, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner McKenzie, Mayor White

NAYS (Names): None

ABSENT (Names): Commissioner Schilling

Approved this 7th day of August, 2007.

/s/ Charles E. White

Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien

Susan J. O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Effective Date: _____.

Recorded in the Municipality's Records on August 8, 2007.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to adopt Ordinance 2007-5236, approving a Redevelopment Agreement by and between the City of Mattoon and Sontejroh Corporation in connection with the South Route 45 Redevelopment Project Area, and authorizing the Mayor to sign the document.

ORDINANCE NO. 2007-5236

AN ORDINANCE APPROVING A REDEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MATTOON, ILLINOIS AND SONTEJROH CORP., IN CONNECTION WITH THE SOUTH ROUTE 45 REDEVELOPMENT PROJECT AREA

WHEREAS, Sontejroh Corp. (the “**Developer**”), has submitted a proposal to the City of Mattoon, Illinois (the “**Municipality**”) for redevelopment of a part of the Municipality's South Route 45 Redevelopment Project Area (the “**Redevelopment Project Area**”); and, thereafter, the Municipality and the Developer have engaged in negotiations related to a Redevelopment Agreement (including all exhibits and attachments in connection therewith, the “**Redevelopment Agreement**”) concerning redevelopment incentives and assistance related to the preservation, development and redevelopment of a part of the Redevelopment Project Area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Approval. The Redevelopment Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the Redevelopment Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Developer, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Redevelopment Agreement, desirable or necessary to implement and otherwise give full effect to the Redevelopment Agreement. Upon full execution thereof, the Redevelopment Agreement shall be attached as an exhibit to this ordinance. This shall also constitute a “reimbursement” action under Section 1.150-2 of the Federal Income Tax Regulations.

Section 2. Bid Waiver. Pursuant to Section 8-9-1 of the Illinois Municipal Code bidding requirements, if any, related to the Redevelopment Agreement and related documents and related contracts entered into or to be entered into shall be and are hereby waived. The Developer shall be responsible for compliance with applicable law related to the Redevelopment Agreement, including without limitation the Prevailing Wage Act.

Section 3. Effective. Under Section 4-5-13 of the Illinois Municipal Code this Ordinance remained on file with the City Clerk for public inspection, in the form in which it finally passed, at least one week before final passage. This ordinance shall be in full force and effect 10 days after its adoption and publication in pamphlet form in the manner provided by law.

Upon motion by Mayor White, seconded by Commissioner Ervin, adopted this
7th day of August, 2007, by roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner McKenzie, Mayor White
NAYS (Names): None
ABSENT (Names): Commissioner Schilling

Approved this
7th day of August, 2007.

(SEAL) /s/ Charles E. White
Mayor, City of Mattoon, Coles County, Illinois
Attest:

/s/ Susan J. O'Brien
City Clerk, City of Mattoon, Coles County,
Illinois

Recorded in the Municipality's Records on
August 8, 2007.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Cline moved to adopt Resolution 2007-2705, authorizing the Mayor to file an application on behalf of the City of Mattoon, Illinois, with the Cy Pres Committee for a grant for Equipment for Mattoon Police Department's Dispatch/Telecommunications Division, and to sign all documents.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2007-2705

Project Title: Grant Funding for Equipment for
Mattoon Police Dept.'s Dispatch/Telecommunications Division

RESOLUTION AUTHORIZING APPLICATION FOR A GRANT UNDER THE INFRASTRUCTURE MAINTENANCE FEE LITIGATION CY PRES COMMITTEE'S GENERAL AUTHORITY TO MAKE SUCH GRANTS.

WHEREAS, in 1997, the State of Illinois enacted the Telecommunications Infrastructure Maintenance Fee (IMF) Act, which authorized the imposition of a fee of 1% of the gross charges on wireless retailers. Municipalities throughout the state imposed the IMF on telecommunications bills from January 1, 1998, through February 7, 2002; and

WHEREAS, in 1998, a lawsuit was filed challenging the fee, which the Court ruled unconstitutional and, upon appeal, the Illinois Supreme Court affirmed the unconstitutionality of the Municipal IMF only as it applied to wireless retailers; and

WHEREAS, in 2000, municipalities that imposed the IMF were joined as defendants in a class action lawsuit that asserted the unconstitutionality of the Infrastructure Maintenance Fee and sought refunds of the IMF; and

WHEREAS, as of October 18, 2005, a settlement was approved that required defendant class members to pay into the settlement fund 70% of the amounts collected through the Municipal IMF for wireless telecommunications services; and

WHEREAS, the Court will distribute the settlement fund in accordance with Cy Pres principles, or for its “next best” use. The settlement fund will be distributed as follows:

60% (sixty percent) for municipal emergency 9-1-1 telecommunications programs located anywhere within the State of Illinois; and

40% (forty percent) for medical facilities providing emergency care to indigent patients located in areas outside the six-county northeastern Illinois region; and

WHEREAS, the Court has established a three person committee (Cy Pres Committee) to make recommendations as to how the Cy Pres grants will be distributed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MATTOON, ILLINOIS,

Section 1. That the City Council of the City of Mattoon, Illinois, hereby requests use of the telecommunications infrastructure maintenance fee Cy Pres funds for the purposes described in this application.

Section 2. That the Mayor is authorized to file an application on behalf of the City of Mattoon, Illinois, with the Cy Pres Committee for a grant for Equipment for Mattoon Police Dept.’s Dispatch/Telecommunications Division.

Section 3. That the funds applied for will be expended consistent with the recitals in the application.

Section 4. That the Mayor is authorized to furnish such additional information, assurances, certifications and amendments as the Cy Pres Committee may require in connection with this grant application.

Section 5. That the Mayor is authorized and directed on behalf of the City of Mattoon, Illinois, to execute and deliver a grant application and all subsequent amendments thereto between the City of Mattoon, Illinois, and the Cy Pres Committee and the City Clerk of the City of Mattoon, Illinois, is authorized and directed on behalf of the City of Mattoon, Illinois, to attest said applications and all subsequent amendments thereto.

Section 6. That the Mayor is authorized and directed to take such action as is necessary or appropriate to implement, administer and enforce said applications and all subsequent amendments thereto on behalf of the City of Mattoon, Illinois.

Section 7. That the City of Mattoon, Illinois, will provide the Cy Pres Committee with a certification of a certified public accountant certifying that the grant funds were expended in conformity with the formal application of the use of the funds to ensure compliance with the grant program. Certification will be provided within 90 days of a request by the Cy Pres Committee.

PRESENTED this 7th day of August, 2007.

PASSED this 7th day of August, 2007.

APPROVED this 7th day of August, 2007.

CITY OF MATTOON, ILLINOIS, Applicant

Signed: /s/ Charles E. White
Mayor

Attest: /s/ Susan J. O’Brien
City Clerk

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor White.

Commissioner McKenzie seconded by Commissioner Ervin moved to approve Council Decision Request 2007-776, approving the contract with Howell Asphalt for paving bituminous material in alleys in the amount of \$21,900, and authorizing the Mayor to sign all

documents. (07-00155-00-AS)

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor White.

Commissioner McKenzie seconded by Commissioner Ervin moved to approve Council Decision Request 2007-777, approving specifications for a three cubic yard front-end wheel loader, and authorizing solicitation of bids.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor White.

Commissioner McKenzie seconded by Commissioner Cline moved to approve Council Decision Request 2007-778, approving specifications for a sewer camera truck, and authorizing solicitation of bids.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor White.

Commissioner Ervin seconded by Commissioner Cline moved to approve Council Decision Request 2007-779, approving specifications for a Fire Department ambulance, and authorizing solicitation of bids.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor White.

Commissioner Ervin seconded by Commissioner McKenzie moved to adopt Resolution 2007-2706, approving the mutual aid agreement [Automatic Aid Agreement] between the Fire Departments of the City of Mattoon and City of Charleston, and authorizing the Mayor and Fire Chief to sign the document.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2007-2706

RESOLUTION TO AUTHORIZE THE MAYOR AND FIRE CHIEF TO EXECUTE DOCUMENTS NECESSARY TO BEGIN AN AUTOMATIC MUTUAL AID AGREEMENT WITH THE CHARLESTON FIRE DEPARTMENT

WHEREAS, the Mattoon Fire Department is the duly recognized Fire Department agency for the City of Mattoon, Illinois, and

WHEREAS, The City of Charleston is the duly recognized Fire Department agency for the City of Charleston, Illinois, and

WHEREAS, both agencies' corporate boundaries and service area boundaries are contiguous, and

WHEREAS, the Fire Chiefs of the Mattoon Fire Department and Charleston Fire Department believe it is in the best interests for the safety of fire personal as well as for the safety of the citizens of both communities to enter into an Automatic Mutual Aid Agreement for Structure fires or reported Structural fires in the area known as Charleston Fire Department response service area.

NOW THEREFORE BE IT RESOLVED:

That the Mattoon, Illinois City Council hereby authorizes the Mayor and the Fire Chief to execute and documents necessary to effectuate a Mutual Aid/Assistance Agreement between the Mattoon Fire Department and the Charleston Fire Department.

Upon motion by Commissioner Ervin, seconded by Commissioner McKenzie, adopted this 7th day of August 2007, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Cline, Commissioner Ervin,</u> <u>Commissioner McKenzie, Mayor White</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>Commissioner Schilling</u>

Recorded in the Municipality's Records on August 8, 2007.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to approve Council Decision Request 2007-780, approving the request of \$1,500 to Lincoln Heritage Resource Conservation District for the purpose of purchasing a forklift ramp to load decommissioned computer hardware for recycling within a six-district county service area contingent upon the District receiving adequate funding to complete the purchase.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner McKenzie moved to adopt Special Ordinance 2007-1240, authorizing the Mayor to sign an outright grant agreement by and between the City of Mattoon and Nathan Burton dba EZ Parcel reimbursing up to \$2,500 annually from TIF Revenues over a three-year period for the purpose of achieving compliance with the City's storm water detention regulations located at 1312 Broadway Avenue.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2007-1240

AN ORDINANCE APPROVING A GRANT AGREEMENT BY AND BETWEEN THE CITY OF MATTOON, ILLINOIS AND NATHAN BURTON DBA: EZ PARCEL & BUSINESS SERVICE IN CONNECTION WITH THE MATTOON MIDTOWN REDEVELOPMENT PROJECT AREA

WHEREAS, NATHAN BURTON DBA: EZ PARCEL & BUSINESS SERVICE (the "**Grantee**"), have submitted a proposal to the City of Mattoon, Illinois (the "**Municipality**") for redevelopment of a part of the Municipality's Mattoon Midtown Redevelopment Project Area (the "**Redevelopment Project Area**"); and, thereafter, the Municipality and the Grantee have engaged in negotiations related to a Grant Agreement (including all exhibits and attachments in connection therewith, the "**Grant Agreement**") concerning redevelopment incentives and assistance related to the preservation, development and redevelopment of a part of the Redevelopment Project Area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The Grant Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the Grant Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Grantee, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Grant Agreement, desirable or necessary to implement and otherwise give full effect to the Grant Agreement. Upon full execution thereof, the Grant Agreement shall be attached to this ordinance as EXHIBIT "A".

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor White, seconded by Commissioner McKenzie, adopted this 7th day of August, 2007, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Cline, Commissioner Ervin,</u> <u>Commissioner McKenzie, Mayor White</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>Commissioner Schilling</u>

Approved this 7th day of August, 2007.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on August 8, 2007.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Cline moved to adopt Special Ordinance 2007-1241, authorizing the Mayor to sign an outright grant agreement by and between the City of Mattoon and Cory Sanders dba Cory Sanders & Company Real Estate reimbursing up to \$2,945.50 annually from TIF Revenues over a ten-year period for the purchase and installation of 22 windows, electrical wiring upgrades and the relocation of 3 Ameren/CIPS natural gas meters located at 1400 and 1402-1404 Broadway Avenue.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2007-1241

AN ORDINANCE APPROVING A GRANT AGREEMENT BY AND BETWEEN THE CITY OF MATTOON, ILLINOIS AND CORY SANDERS DBA: CORY SANDERS & COMPANY REAL ESTATE; IN CONNECTION WITH THE MATTOON MIDTOWN REDEVELOPMENT PROJECT AREA

WHEREAS, CORY SANDERS DBA: CORY SANDERS & COMPANY REAL ESTATE; and (the “**Grantee**”), has submitted a proposal to the City of Mattoon, Illinois (the “**Municipality**”) for redevelopment of a part of the Municipality's Mattoon Midtown Redevelopment Project Area (the “**Redevelopment Project Area**”); and, thereafter, the Municipality and the Grantee have engaged in negotiations related to a Grant Agreement (including all exhibits and attachments in connection therewith, the “**Grant Agreement**”) concerning redevelopment incentives and assistance related to the preservation, development and redevelopment of a part of the Redevelopment Project Area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The Grant Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the Grant Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Grantee, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Grant Agreement, desirable or necessary to implement and otherwise give full effect to the Grant Agreement. Upon full execution thereof, the Grant Agreement shall be attached to this ordinance as EXHIBIT “A”.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor White, seconded by Commissioner Cline, adopted this 7th day of August, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner McKenzie, Mayor White
NAYS (Names): None
ABSENT (Names): Commissioner Schilling

Approved this 7th day of August, 2007.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on August 8, 2007.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor White.

Commissioner McKenzie seconded by Commissioner Ervin moved to approve Council Decision Request 2007-781, authorizing an emergency contract with Howell Asphalt to overlay streets in Mid-town Mattoon with asphalt.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to recess to closed session at 7:43 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c) (1)).

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor White.

Council reconvened at 8:29 p.m.

Mayor White seconded by Commissioner Ervin moved to adjourned at 8:30 p.m.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor White.

/s/ Susan J. O'Brien
City Clerk